

Applicant : Uwe Krueger et al.  
Serial No. : 09/815,274  
Filed : March 23, 2001  
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Attorney's Docket No.: 15811-002001

### REMARKS

Upon entry of the present amendment, claims 2-4, 6, 7, 9-15 and 16 are pending, with claims 2, 3, 7, 9, 14 and 15 being independent. Claims 2-4, 6, 7, 9-15 and 16 are amended. Claims 1, 5, 8 and 17 are canceled without prejudice. No new matter has been added.

Applicants note that claims 2-6, 9-12 and 15-17 are indicated as defining allowable subject matter over the cited references, and thus would be allowable if they overcome the rejection under 35 U.S.C. §101. Applicants thank the Examiner for this indication of allowable subject matter. Applicants have redrafted claims 2, 3, 9 and 15 (formerly dependent claims) into independent form to include all of the recited features of their base claim, and have cancelled claims 1 and 8. The appropriate claims depending therefrom have been amended to include the correct dependency.

In paragraphs 5-7 of the office action claims 1-17 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 2, 3, 7, 9, 14 and 15 have been amended to clearly recite that the claimed method or system produces a useful, concrete and tangible result. Specifically, and without limiting the claims, each of these claims has been amended to recite that the method or system generates or otherwise produces a monitoring chart. By way of example, the monitoring chart allows a user or operator to view the monitoring chart in order to better understand the operation of the system, and for example recognize faults within the system or manipulate the system to improve its overall operation and/or performance. The recited monitoring chart feature clearly defines a useful, concrete and tangible result. Therefore, in view of the amendments to these claims, withdrawal of the rejection is respectfully requested.

In paragraphs 8-13 of the office action claim 8 was rejected under 35 U.S.C. §102 as being anticipated by the reference to Kruger et al. (see paragraph 10 for reference cite). Applicants respectfully disagree. However, to expedite prosecution of this application, Applicants have rewritten claim 9 to include all of the limitations of claim 8. Thus, Applicants submit that the anticipation rejection of claim 8 is moot, and that claim 9 patentably distinguishes over Kruger. Withdrawal of the rejection under 35 U.S.C. §102 is respectfully requested.

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In paragraphs 14-23 of the office action claims 1, 7 and 13-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wold (US 5,949,678) in view of Kruger (see paragraph 17 for reference cite). Applicants respectfully disagree. However, to expedite prosecution of this application, Applicants have amended the claims as follows. Specifically, claims 2 and 15 (indicated as being allowable) have been rewritten into independent form to include all of the limitations of claims 1 and 14 respectively. Claim 14 has been amended to include all of the features of allowable claim 16. Claim 1 is cancelled without prejudice. Claim 7 has been amended to include the allowable features of claim 9. Claim 13 has been amended to depend from claim 9. Thus, Applicants submit that the obviousness rejection of claims 1, 7 and 13-14 is moot, and that claims 2, 7, 13, 14 and 15 patentably distinguish over all of the cited references. Withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

For at least these reasons, claims 2-4, 6, 7, 9-15 and 16 patentably distinguish over the cited references. Thus, Applicants request reconsideration and withdrawal of all of the rejections, and further request allowance of all of the pending claims.

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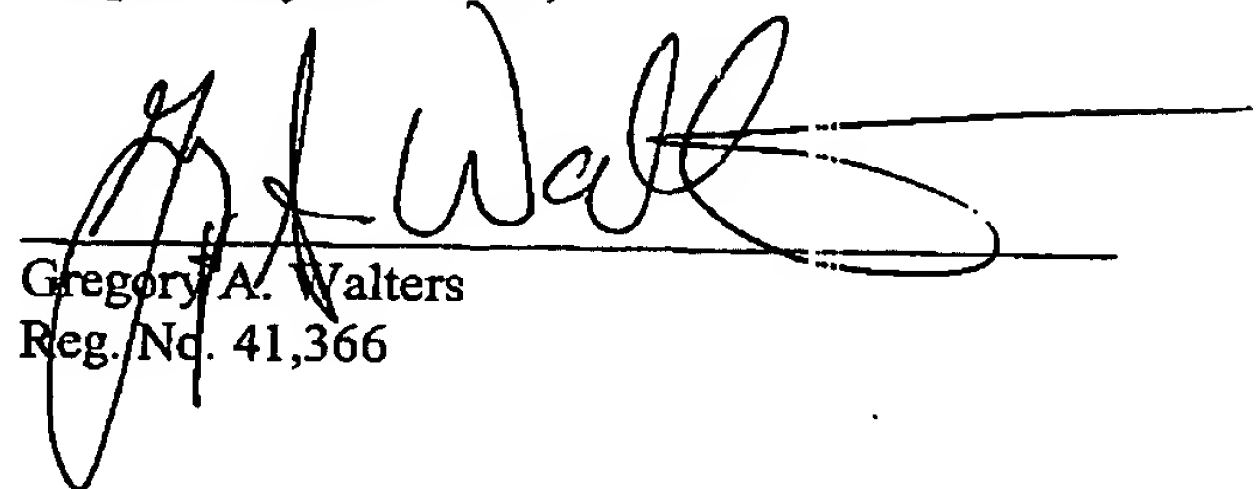
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If the Examiner believes that prosecution of this application can be expedited by discussing the claims, the Examiner is invited to contact the undersigned by telephone at the number provided below.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: JUNE 10, 2005

  
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